

REMARKS

Claims 1, 4-14, 16-26 are pending. Claims 4-14, 16, 18, 20-22 and 24-26 are withdrawn. Claims 1, 17, 19 and 23 are rejected. Claims 18, 20-22, 24, 25 and 26 are canceled without prejudice.

Claim 1 is now amended.

Applicants assert that the Amendment puts the application in complete condition for allowance and, as stated in Applicants' July 28, 2006 Election and Preliminary Amendment, request that method claims 4-14 and 16 be rejoined upon allowance of composition claims.

Applicant respectfully requests considerations of the following arguments.

INFORMATION DISCLOSURE STATEMENT

The Examiner has not considered references "crossed out" in the IDS because the only information found in the parent application was the title pages and copyright information.

Applicants have attached a copy of the Durmaz reference, which was cited in the January 29, 2003 Office Action by the Examiner during the prosecution of the parent application, U.S. Serial No. 09/688,949, and thus is included in the parent application's file history.

Applicants also have separately filed a Supplemental Information Disclosure Statement including payment of the necessary fee and providing copies of the relevant pages of documents D.T (Henry) and I.R. (Speicher) of the June 3, 2004 Information Disclosure Statement, and request the Examiner's consideration. The copy of the Durmaz reference is also included in the Supplemental Information Disclosure Statement.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1, 17, 19, and 23 are rejected under 35 U.S.C. §102(b) as anticipated by Licha.

Applicants understanding of the Examiner position is that Licha teaches compounds of formula II, which are prepared via intermediates such as formula I (2,3,3-trimethyl-4, 5-benzo-3H-indolene). The Examiner finds that, to generate the composition of Licha's formula II, the intermediate formula I (2,3,3-trimethyl-4,5-benzo-3H-indolene) would be anticipated to contain the same R⁵ substituent, i.e. polyhydroxyalkyl, polyalkoxyalkyl, etc. as the final product in place of the C₁₋₄ sulfoalkyl chain, and thus Licha's intermediate encompasses Applicants' composition.

Applicants have amended claim 1 to delete C1-C20 polyhydroxyalkyl as a substituent of Y₁, to overcome the rejection, and respectfully request that the rejection be withdrawn.

CLAIM REJECTIONS 35 U.S.C. §103

Claims 1, 17, 19 and 23 are rejected under 35 U.S.C. §103(a) as obvious over Achilefu.

Applicants understanding of the Examiner's position is that Achilefu discloses compositions of formula 1 which are prepared via intermediates, such as that of formula 2 where R₁ and R₂ may be hydrogen (2,3,3-trimethyl-4, 5-benzo-3H-indolene), and that it be obvious to one skilled in the art that, in order to generate the final composition of Achilefu's formula I, the

intermediate formula 2 must be substituted with the same Y_1 , such as $-\text{CH}_2-(\text{CH}_2-\text{O}-\text{CH}_2)_6-\text{CH}_2-\text{CO}_2\text{T}$, $-(\text{CH}_2)_7-\text{NH}_2$, or $-\text{CH}_2-(\text{CH}_2-\text{O}-\text{CH}_2)_9-\text{CH}_2-\text{NH}_2$ which encompasses Applicants' composition.

Applicants have amended claim 1 to delete $-\text{CH}_2-(\text{CH}_2-\text{O}-\text{CH}_2)_6-\text{CH}_2-\text{CO}_2\text{T}$, $-(\text{CH}_2)_7-\text{NH}_2$, and $-\text{CH}_2-(\text{CH}_2-\text{O}-\text{CH}_2)_9-\text{CH}_2-\text{NH}_2$ as substituents of Y_1 to overcome the rejection, and respectfully request that the rejection be withdrawn.

CONCLUSION

Applicants believe the Application is in complete condition for allowance and respectfully request that the withdrawn method claims be rejoined with the composition claims.

Applicants do not believe that any fee is due in connection with submission other than the fee of \$180 for the submission of an Information Disclosure Statement. However, if any fees are deemed necessary to complete this communication, the Commissioner is hereby authorized to charge same to Deposit Account No. 23-3000.

The Examiner is invited to contact Applicants' undersigned representative with questions.

Respectfully submitted,

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